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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON DECEMBER 17, 2002

Franziska Reichstein

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. **RU-0173**
Applicant: Chen et al.
Serial No.: 09/992,860
Filed: February 14, 2001
For: Black Tea Extract for Prevention of Disease

Group Art Unit No.: 1654
Examiner: Flood, M.

Commissioner for Patents
Washington, DC 20231

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

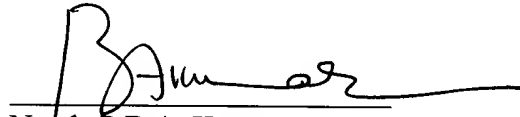
Sir:

This is in response to the November 18, 2002 communication (Paper No. 11) from the Patent Office concerning the election of a single species for prosecution on the merits. The Office Communication notes that claims 9 and 15 are generic to cancer, inflammation and arthritis recited in claims 6 and 12.

Applicant elects cancer as a species for prosecution on the merits. A listing of all claims readable on the elected species is attached herewith.

The Commissioner is hereby authorized to charge any additional fees due, or credit any overpayment to Deposit Account No. 18-0586.

Respectfully submitted,



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Dated: December 17, 2002

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